IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 52701-M of 2006

DATE OF DECISION : 27.02.2007

Daljit Kaur

.... PETITIONER

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Ms. Naiya Gill, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Mr. Suresh Kumar, Advocate,
for respondent No.2.

Petitioner Daljit Kaur, who is married sister-in-law of the complainant Baljinder Kaur, has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 107 dated 8.6.2000 under Sections 406/498-A IPC, registered at Police Station Nawanshahr, District Nawanshahr, and the subsequent proceedings arising therefrom.

2. It is the case of the petitioner that in the aforesaid case, she was falsely implicated by the complainant on some vague allegations along with other accused, including husband, brother-in-law and mother-in-law of the complainant. After completion of investigation, the challan was filed and thereafter, charge was framed against all the accused under Sections 498-A and 406 IPC. During the pendency of the case, husband of the petitioner went to Italy and under the immense pressure from her husband, she also went to Italy, therefore, she was declared proclaimed offender. During the pendency of the case, the matter was amicably settled between the parties and the complainant started living happily with her husband. In view of the

said compromise and the fact that the complainant was living happily with her husband, she did not support the prosecution case and made statement in the court that there was no harassment to her. Piara Singh, father of the complainant, while appearing as a prosecution witness, also did not support the case of prosecution. Keeping in view these facts, all the accused, except the present petitioner, were acquitted by the trial court on 1.6.2002. Copy of the judgment has been annexed with the petition as Annexure P-3.

3. In the reply, filed by way of affidavit, respondent No.2 does not dispute the fact of compromise and the fact that she is living happily with her husband.

4. After hearing counsel for the parties and in view of the fact that the husband and wife have amicably settled their dispute and are living happily and the fact that on the basis of the statements of the complainant and her father, the other accused, including husband, brother-in-law and mother-in-law of the complainant, have been acquitted; and in view of fact that complainant and the other witnesses are not going to support the prosecution case, even against the petitioner, as they have already made statements to that effect in the court; and in view of fact that the complainant is living happily with her husband, I am of the opinion that no useful purpose will be served by putting the petitioner to trial in the aforesaid case. Therefore, keeping in view these facts and in the interest of justice, FIR No. 107 dated 8.6.2000 under Sections 406/498-A IPC, registered at Police Station Nawanshahr, District Nawanshahr and all the subsequent proceedings arising therefrom are ordered to be quashed.

5. Petition is allowed accordingly.

February 27, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**